



George Gascón
District Attorney

BACK ON TRACK: OVERVIEW & ELIGIBILITY
Breaking the Cycle of Crime through Accountability and Opportunity

I. OVERVIEW

Back on Track (BOT), a program of the San Francisco District Attorney's Office, is a comprehensive reentry initiative for young adults—ages 18 to 30—who are facing a felony charge involving either a low-level drug offense or a non-violent, economically driven offense, such as theft. BOT addresses the factors that drive low level criminal behavior among young people by emphasizing accountability and providing close supervision, in combination with opportunities for training, education and living wage employment.

II. REFERRAL & HEARINGS

Back on Track candidates are generally referred from the Preliminary Hearing departments at arraignment. All subsequent BOT court hearings are calendared in the originating department. BOT hearings include: the initial suitability report/formal acceptance/and deferred entry of judgment (when applicable); compliance hearings; and termination (when applicable).

III. ELIGIBILITY

Back on Track admission rests solely within the discretion of the District Attorney's Office. Candidates must meet the following criteria:

- Age: 18-30 years.
- Resident of San Francisco, San Mateo, Alameda or Contra Costa Counties.

Eligible Charges:

- Sale or Possession for Sale offenses including:
 - Health and Safety Code sections 11351; 11351.5; 11352; 11359; 11378; 11378.5; or, 11379.
 - Involving less than five grams of controlled substance (or less than three ounces of marijuana).
- Felony theft offenses, including:
 - Penal Code sections 459 2nd commercial burglary; 470 forgery; 475 forgery; 484 theft; 487(a) grand theft; 496 receiving stolen property; or, 666 theft with prior convictions.
- Felony auto offenses, including:
 - Penal Code section 459 2nd auto burglary; or, Vehicle Code section 10851.

Ineligible Charges & Disqualifications:

- Offenses involving a firearm.
- Sale or Possession for Sale at or near a school (H&S 11353.6).
- More than two open felony cases.
- Prior felony conviction.
- Active membership in an organized street gang.
- Defendant may not currently be under probation or parole supervision in any jurisdiction.

(cont.)

11/28/2012

Stay Away Order Requirement

- Stay away orders will be requested for all BOT cases.

Deferred Entry of Judgment (DEJ) Requirement:

- A Deferred Entry of Judgment (DEJ) is required for admission to BOT for all participants, except cases involving Possession for Sale of a controlled substance.

Restitution Requirement:

- For any case involving loss of or damage to property, restitution will be ordered.

Additional Eligibility Considerations:

- Priority will be given to applicants who are parents of minor children.
- The defendant's juvenile record may be considered.
- Co-defendant cases may be eligible if both defendants are being referred to BOT; or, if the co-defendant case has been adjudicated.
- A defendant with no more than two open felony cases may be eligible if both matters are still open and were not previously referred to BOT; or, if the second case occurred while the first was awaiting referral to BOT. However, if a defendant picks up a new case during the six-week probationary period following referral, he/she is no longer eligible.
- BOT does not accept re-referrals on defendants previously found unsuitable.

IV. ENROLLMENT PROCESS

- A determination of eligibility will be made at the time of charging.
- At arraignment, defendants will be advised of Back on Track (BOT) eligibility.
- Once the defendant accepts the BOT participation terms, s/he will be referred to Goodwill to participate in a six week probationary period with a return date in the originating department for the DEJ, if applicable, or for formal acceptance in non-DEJ cases.
- All defendants must complete a six week probationary program before being formally accepted into BOT.
- After successful participation in the probationary period, the defendant is formally admitted to BOT. For all cases, excluding Possession for Sale, a DEJ is entered and sentencing is deferred for 12 to 18 months.
- Defendants are required to appear in court regularly for progress reports.
- After at least 12 continuous months of successful participation in BOT, the defendant may graduate from the program upon approval by the District Attorney's Office.
- At graduation, the defendant's case will be dismissed and the record may be sealed.

V. PROGRAM RESOURCES

- Job training and placement assistance.
- Intensive case management and support.
- Access to Goodwill Industries' paid *Transitional Jobs Program*.
- Educational opportunities, including GED classes, assistance with applications and financial aid at San Francisco City College and other programs.
- Interactive monthly life skills workshops.
- Upon successful BOT completion, the case will be dismissed pursuant to PC Section 1000.5.
- Graduates can have their arrest records sealed under PC Section 851.90.